IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2898 OF 2005

Mr.Imriyaz Ahmed Choudhary. ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.H.S. Anand for Petitioner.
Mrs.U.J. Kejriwal, APP for State.
Mr.Aijaz Alvi, Manager (Legal) for Respondent No.3.

CORAM : D.G. DESHPANDE AND V.M. KANADE, JJ.

DATED : DECEMBER 7, 2005

P.C. :-

. Heard learned Advocate for the petitioner and Mr.Alvi, Manager (Legal) of respondent No.3. The petition is for quashing FIR in Criminal Case bearing CC No.440/PW/05 pending before the Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. The petitioner is the accused and respondent No.3 is the complainant. The complaint is under Section 408 IPC. The accused and the complainant have settled the matter amicably. The Resolution in that regard duly passed by respondent No.3 is given to us. It is taken on record and marked "X" for identification. Both, the Advocate for the petitioner and respondent no.3 also relied upon the

Judgment of the Supreme Court in **AIR 2003 SC 1336 (B.S. Joshi v. State of Haryana)** wherein in para 15, the Supreme Court held that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code. In view of this Judgment, this writ petition is allowed in terms of prayer clause (a).

. Parties be supplied authenticated copy of this order.

(D.G. DESHPANDE, J.)

(V.M. KANADE, J.)